

STAYED, TYPE I-FOIA

U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:13-cv-01541-RDM

CENTER FOR FOOD SAFETY v. FOOD & DRUG
ADMINISTRATION
Assigned to: Judge Randolph D. Moss
Cause: 05:552 Freedom of Information Act

Date Filed: 10/07/2013
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff**CENTER FOR FOOD SAFETY**

represented by **Donna F. Solen**
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TERMINATED: 05/07/2015
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TERMINATED: 06/07/2018

V.

Defendant

FOOD & DRUG ADMINISTRATION

represented by **Marina Utgoff Braswell**
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TERMINATED: 01/14/2015

Date Filed	#	Docket Text
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10/07/2013	<u>1</u>	COMPLAINT against FOOD & DRUG ADMINISTRATION (Fee Status:\$400.00 Filing Fee Paid, Receipt No. 4616059805) filed by CENTER FOR FOOD SAFETY. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons)(Solen, Donna) (Entered: 10/07/2013)
10/07/2013		Case Assigned to Judge Amy Berman Jackson. (kb) (Entered: 10/08/2013)
10/08/2013	<u>2</u>	Electronic Summons (1) Issued as to FOOD & DRUG ADMINISTRATION. (Attachments: # <u>1</u> Consent Form, # <u>2</u> Notice of Consent)(kb) (Entered: 10/08/2013)
10/08/2013	<u>3</u>	REQUEST FOR SUMMONS TO ISSUE by CENTER FOR FOOD SAFETY filed by CENTER FOR FOOD SAFETY.(Solen, Donna) (Entered: 10/08/2013)
10/08/2013	<u>4</u>	REQUEST FOR SUMMONS TO ISSUE by CENTER FOR FOOD SAFETY filed by CENTER FOR FOOD SAFETY.(Solen, Donna) (Entered: 10/08/2013)
10/08/2013	<u>5</u>	ERRATA <i>Regarding Complaint Correcting Plaintiff's Address</i> by CENTER FOR FOOD SAFETY <u>1</u> Complaint filed by CENTER FOR FOOD SAFETY. (Attachments: # <u>1</u> Exhibit)(Solen, Donna) (Entered: 10/08/2013)
10/08/2013	<u>6</u>	Corporate Disclosure Statement by CENTER FOR FOOD SAFETY. (Solen, Donna) (Entered: 10/08/2013)
10/09/2013	<u>7</u>	ELECTRONIC SUMMONS (2) Issued as to U.S. Attorney and U.S. Attorney General. (Attachments: # <u>1</u> Summons, # <u>2</u> Consent Form, # <u>3</u> Notice of Consent)(kb) (Entered: 10/09/2013)
10/24/2013	<u>8</u>	NOTICE <i>of Request for Amended Summons to Issue</i> by CENTER FOR FOOD SAFETY (Solen, Donna) (Entered: 10/24/2013)
10/24/2013	<u>9</u>	REQUEST FOR SUMMONS TO ISSUE (<i>Amended</i>) by CENTER FOR FOOD SAFETY re <u>2</u> Electronic Summons Issued filed by CENTER FOR FOOD SAFETY. Related document: <u>2</u> Electronic Summons Issued.(Solen, Donna) (Entered: 10/24/2013)
10/24/2013	<u>10</u>	REQUEST FOR SUMMONS TO ISSUE (<i>Amended</i>) by CENTER FOR FOOD SAFETY re <u>7</u> Electronic Summons Issued as to AUSA filed by CENTER FOR FOOD SAFETY. Related document: <u>7</u> Electronic Summons Issued as to AUSA.(Solen, Donna) (Entered: 10/24/2013)
10/24/2013	<u>11</u>	REQUEST FOR SUMMONS TO ISSUE (<i>Amended</i>) by CENTER FOR FOOD SAFETY re <u>7</u> Electronic Summons Issued as to AUSA filed by CENTER FOR FOOD SAFETY. Related document: <u>7</u> Electronic Summons Issued as to AUSA.(Solen, Donna) (Entered: 10/24/2013)
10/25/2013	<u>12</u>	ELECTRONIC (3) SUMMONS Issued as to FOOD & DRUG ADMINISTRATION, U.S. Attorney and U.S. Attorney General (jf,) (Entered: 10/25/2013)
10/31/2013	<u>13</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 10/28/2013. Answer due for ALL FEDERAL DEFENDANTS by 11/27/2013. (Solen, Donna) (Entered: 10/31/2013)
10/31/2013	<u>14</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General October 28, 2013. (Solen, Donna) (Entered: 10/31/2013)
11/12/2013	<u>15</u>	AFFIDAVIT of Summons and Complaint Executed. FOOD & DRUG ADMINISTRATION served on 11/8/2013 (Solen, Donna) Modified on 11/13/2013 to correct docket event (jf,). (Entered: 11/12/2013)
11/13/2013	<u>16</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Paige M. Tomaselli, :Firm- Center for Food Safety, :Address- 303 Sacramento St., 2nd Floor, San Francisco, CA 94111. Phone No. - (415) 826-2770. Fax No. - (415) 826-0507 by CENTER FOR FOOD SAFETY (Attachments: # <u>1</u> Declaration, # <u>2</u> Text of Proposed Order)(Solen, Donna) (Entered: 11/13/2013)
11/13/2013	<u>17</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Cristina R. Stella, :Firm- Center for Food Safety, :Address- 303 Sacramento St., 2nd Floor, San Francisco, CA 94111. Phone No. - (415) 826-2770. Fax No. - (415) 826-0507 by

		CENTER FOR FOOD SAFETY (Attachments: # 1 Declaration, # 2 Text of Proposed Order)(Solen, Donna) (Entered: 11/13/2013)
11/14/2013		MINUTE ORDER granting 16 Motion for Leave of Paige M. Tomaselli to Appear Pro Hac Vice only upon condition that the lawyer admitted, or at least one member of the lawyer's firm, undergo CM/ECF training, obtain a CM/ECF username and password, and agree to file papers electronically. No court papers will be mailed to any lawyer. Signed by Judge Amy Berman Jackson on 11/14/13. (DMK) (Entered: 11/14/2013)
11/14/2013		MINUTE ORDER granting 17 Motion for Leave of Cristina R. Stella to Appear Pro Hac Vice only upon condition that the lawyer admitted, or at least one member of the lawyer's firm, undergo CM/ECF training, obtain a CM/ECF username and password, and agree to file papers electronically. No court papers will be mailed to any lawyer. Signed by Judge Amy Berman Jackson on 11/14/13. (DMK) (Entered: 11/14/2013)
11/15/2013	18	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. (Solen, Donna) (Entered: 11/15/2013)
11/21/2013	19	Consent MOTION for Extension of Time to <i>Respond to Complaint</i> by FOOD & DRUG ADMINISTRATION (Attachments: # 1 Text of Proposed Order)(Pfaffenroth, Peter) (Entered: 11/21/2013)
11/22/2013		MINUTE ORDER granting 19 Consent Motion for Extension of Time to Respond to the Complaint. It is ORDERED that defendant's answer or other responsive pleading is now due on or before February 24, 2014. Signed by Judge Amy Berman Jackson on 11/22/2013. (lcabj1) (Entered: 11/22/2013)
11/22/2013		Set/Reset Deadlines: Defendant's answer or otherwise response to the complaint is now due by 2/24/2014. (jth) (Entered: 11/22/2013)
02/19/2014	20	Consent MOTION for Extension of Time to <i>Respond to Complaint</i> by FOOD & DRUG ADMINISTRATION (Attachments: # 1 Text of Proposed Order)(Pfaffenroth, Peter) (Entered: 02/19/2014)
02/20/2014		MINUTE ORDER granting 20 Consent Motion for Extension of Time to Respond to Complaint. It is ORDERED that defendant's response to plaintiff's complaint is now due on or before May 27, 2014. Signed by Judge Amy Berman Jackson on 2/20/2014. (lcabj1) (Entered: 02/20/2014)
02/20/2014		Set/Reset Deadlines: Defendant's answer or otherwise response to the complaint is now due by 5/27/2014. (jth) (Entered: 02/20/2014)
05/21/2014	21	Consent MOTION for Extension of Time to <i>Respond to Complaint</i> by FOOD & DRUG ADMINISTRATION (Attachments: # 1 Text of Proposed Order)(Pfaffenroth, Peter) (Entered: 05/21/2014)
05/22/2014		MINUTE ORDER granting 21 Consent Motion for Extension of Time to Respond to Complaint. In light of the consent motion filed by defendant, it is ORDERED that defendant's answer or other responsive pleading is now due on or before August 25, 2014. Signed by Judge Amy Berman Jackson on 5/22/2014. (lcabj1) (Entered: 05/22/2014)
05/23/2014		Set/Reset Deadlines: Defendant's Answer or otherwise Response to the complaint is now due by 8/25/2014. (jth) (Entered: 05/23/2014)
08/13/2014	22	Consent MOTION for Extension of Time to <i>Respond to Complaint</i> by FOOD & DRUG ADMINISTRATION (Attachments: # 1 Text of Proposed Order)(Pfaffenroth, Peter) (Entered: 08/13/2014)
08/13/2014		MINUTE ORDER granting 22 Consent Motion for Extension of Time to Respond to Complaint. It is ORDERED that defendant's response to the complaint is now due on or before November 24, 2014. Signed by Judge Amy Berman Jackson on 8/13/2014. (lcabj1) (Entered: 08/13/2014)
08/14/2014		Set/Reset Deadlines: Defendant's Response to the Complaint is now due by 11/24/2014. (jth) (Entered: 08/14/2014)
11/19/2014	23	Consent MOTION for Extension of Time to <i>Respond to Complaint</i> by FOOD & DRUG ADMINISTRATION (Attachments: # 1 Text of Proposed Order)(Pfaffenroth,

		Peter) (Entered: 11/19/2014)
11/20/2014		Case randomly reassigned to Judge Randolph D. Moss. Judge Amy Berman Jackson no longer assigned to the case. (gt,) (Entered: 11/20/2014)
11/21/2014		MINUTE ORDER granting <u>23</u> Motion for Extension of Time to Respond to Complaint. It is FURTHER ORDERED that defendant's response to the complaint is due on or before April 28, 2015. Signed by Judge Amy Berman Jackson on 11/21/2014.(lcabj2) (Entered: 11/21/2014)
11/24/2014		Set/Reset Deadlines: Defendant's Response to the Complaint is now due by 4/28/2015. (jth) (Entered: 11/24/2014)
01/14/2015	<u>24</u>	NOTICE OF SUBSTITUTION OF COUNSEL by April Denise Seabrook on behalf of FOOD & DRUG ADMINISTRATION Substituting for attorney Peter C. Pfaffenroth (Seabrook, April) (Entered: 01/14/2015)
04/28/2015	<u>25</u>	Consent MOTION for Extension of Time to File Answer re <u>1</u> Complaint by FOOD & DRUG ADMINISTRATION (Attachments: # <u>1</u> Text of Proposed Order)(Seabrook, April) (Entered: 04/28/2015)
04/29/2015		MINUTE ORDER: Upon consideration of Defendant's consent motion for an extension of time to respond to the complaint <u>25</u> , it is hereby ORDERED that the motion is GRANTED. Defendant shall respond to the complaint on or before September 15, 2015. It is further ORDERED that on or before September 15, 2015, the parties shall jointly file a report indicating (1) how many pages of material the agency has produced, (2) how many additional pages, if any, remain to be produced, (3) how much time will be required to complete the production, (4) whether the parties anticipate that any disputes will require resolution by the Court, and (5) if so, the nature of those anticipated disputes. Signed by Judge Randolph D. Moss on 4/29/2015. (lcrdm2,) (Entered: 04/29/2015)
04/30/2015		Set/Reset Deadlines: Defendant shall respond to the complaint on or before 9/15/2015; On or before 9/15/2015, the parties shall jointly file a report indicating (1) how many pages of material the agency has produced, (2) how many additional pages, if any, remain to be produced, (3) how much time will be required to complete the production, (4) whether the parties anticipate that any disputes will require resolution by the Court, and (5) if so, the nature of those anticipated disputes. (kt) (Entered: 04/30/2015)
05/07/2015	<u>26</u>	NOTICE of Appearance by Peter T. Jenkins on behalf of CENTER FOR FOOD SAFETY (Jenkins, Peter) (Entered: 05/07/2015)
05/07/2015	<u>27</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to CENTER FOR FOOD SAFETY. Attorney Donna F. Solen terminated. (Solen, Donna) (Entered: 05/07/2015)
09/14/2015	<u>28</u>	Consent MOTION for Extension of Time to File Answer re <u>1</u> Complaint, Order on Motion for Extension of Time to Answer,,, <i>AND Joint Status Report</i> by FOOD & DRUG ADMINISTRATION (Seabrook, April) (Entered: 09/14/2015)
09/14/2015	<u>29</u>	Joint STATUS REPORT by FOOD & DRUG ADMINISTRATION. (See Docket Entry <u>28</u> to view document) (jf) (Entered: 09/15/2015)
10/05/2015		MINUTE ORDER: Upon consideration of Defendant's Consent Motion for Extension of Time to File Answer <u>28</u> , and upon consideration of the parties' Joint Status Report <u>29</u> , it is hereby ORDERED that Defendants motion is GRANTED. The parties shall file a joint status report on or before January 31, 2016, and will file a joint status report every four months thereafter until production is complete. The parties shall file their final joint status report on or before November 30, 2017, at which time the parties will update the Court on the status of the case, identify any remaining disputes, and propose a briefing schedule if necessary. Defendant shall respond to Plaintiff's complaint on or before November 30, 2017. The case is STAYED in all other respects until November 30, 2017. Signed by Judge Randolph D. Moss on October 5, 2015. (lcrdm1,) Modified on 10/6/2015, to correct the year on the first joint status report date (kt). (Entered: 10/05/2015)
10/06/2015		Set/Reset Deadlines: The parties shall file a joint status report on or before 1/31/2016; The parties shall file their final joint status report on or before 11/30/2017; Defendant

		shall respond to Plaintiff's complaint on or before 11/30/2017. (kt) (Entered: 10/06/2015)
10/06/2015		Case Stayed until 11/30/2017. (kt) (Entered: 10/06/2015)
01/29/2016	<u>30</u>	Joint STATUS REPORT by FOOD & DRUG ADMINISTRATION. (Seabrook, April) (Entered: 01/29/2016)
05/31/2016	<u>31</u>	Joint STATUS REPORT by FOOD & DRUG ADMINISTRATION. (Seabrook, April) (Entered: 05/31/2016)
09/30/2016	<u>32</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Marina Utgoff Braswell on behalf of FOOD & DRUG ADMINISTRATION Substituting for attorney April Denise Seabrook (Braswell, Marina) (Entered: 09/30/2016)
09/30/2016	<u>33</u>	Joint STATUS REPORT by FOOD & DRUG ADMINISTRATION. (Braswell, Marina) (Entered: 09/30/2016)
01/30/2017	<u>34</u>	Joint STATUS REPORT by FOOD & DRUG ADMINISTRATION. (Braswell, Marina) (Entered: 01/30/2017)
05/30/2017	<u>35</u>	Joint STATUS REPORT by FOOD & DRUG ADMINISTRATION. (Braswell, Marina) (Entered: 05/30/2017)
08/31/2017	<u>36</u>	NOTICE of Withdrawal of Appearance for <i>Cristina R. Stella</i> by CENTER FOR FOOD SAFETY (Stella, Cristina) Modified event title on 9/1/2017 (znmw). (Entered: 08/31/2017)
09/29/2017	<u>37</u>	Joint STATUS REPORT by CENTER FOR FOOD SAFETY. (Tomaselli, Paige) (Entered: 09/29/2017)
11/30/2017	<u>38</u>	ANSWER to Complaint by FOOD & DRUG ADMINISTRATION.(Braswell, Marina) (Entered: 11/30/2017)
11/30/2017	<u>39</u>	Joint STATUS REPORT by FOOD & DRUG ADMINISTRATION. (Attachments: # <u>1</u> Text of Proposed Order)(Braswell, Marina) (Entered: 11/30/2017)
11/30/2017	<u>40</u>	Consent MOTION for Extension of Time to <i>Extend Litigation Stay</i> by FOOD & DRUG ADMINISTRATION (Braswell, Marina) (Entered: 11/30/2017)
12/04/2017		MINUTE ORDER: Upon Consideration of the Consent Motion to Extend Litigation Stay <u>40</u> , it is hereby ORDERED that the motion is GRANTED. It is hereby ORDERED that the stay in this case is extended up to and including February 28, 2019. It is further ORDERED that the parties shall continue to file joint status reports every four months, and the next joint status report shall be filed on or before January 30, 2018. Signed by Judge Randolph D. Moss on 12/4/2017. (lcrdm1,) (Entered: 12/04/2017)
12/04/2017		Set/Reset Deadlines: Joint Status Report due by 1/30/2018. (kt) (Entered: 12/04/2017)
12/04/2017		Case Stayed until 2/28/2019. (kt) (Entered: 12/04/2017)
01/11/2018	<u>41</u>	NOTICE of Appearance by Sylvia Shih-Yau Wu on behalf of CENTER FOR FOOD SAFETY (Wu, Sylvia) (Entered: 01/11/2018)
01/11/2018	<u>42</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to CENTER FOR FOOD SAFETY. Attorney Peter T. Jenkins terminated. (Jenkins, Peter) (Entered: 01/11/2018)
01/19/2018	<u>43</u>	Joint STATUS REPORT by FOOD & DRUG ADMINISTRATION. (Braswell, Marina) (Entered: 01/19/2018)
05/30/2018	<u>44</u>	Joint STATUS REPORT by FOOD & DRUG ADMINISTRATION. (Braswell, Marina) (Entered: 05/30/2018)
06/04/2018	<u>45</u>	NOTICE of Appearance by George A. Kimbrell on behalf of CENTER FOR FOOD SAFETY (Kimbrell, George) (Entered: 06/04/2018)
06/05/2018	<u>46</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Kellan Smith, :Firm- Center for Food Safety, :Address- 303 Sacramento St., 2nd Floor, San Francisco, CA 94111. Phone No. - 415-826-2770. Fax No. - 415-826-0507 Filing fee \$ 100,

		receipt number 0090-5518444. Fee Status: Fee Paid. by CENTER FOR FOOD SAFETY (Attachments: # <u>1</u> Declaration, # <u>2</u> Text of Proposed Order)(Kimbrell, George) (Entered: 06/05/2018)
06/07/2018		MINUTE ORDER: Upon consideration of the Motion for Admission of Attorney Pro Hac Vice <u>46</u> , it is hereby ORDERED that the motion is GRANTED. Kellan Smith is hereby granted leave to appear pro hac vice in this case. Signed by Judge Randolph D. Moss on 6/7/2018. (lcrdm1,) (Entered: 06/07/2018)
06/07/2018	<u>47</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to CENTER FOR FOOD SAFETY. Attorney Paige M. Tomaselli terminated. (Tomaselli, Paige) (Entered: 06/07/2018)
06/07/2018	<u>48</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to CENTER FOR FOOD SAFETY. Attorney Sylvia Shih-Yau Wu terminated. (Wu, Sylvia) (Entered: 06/07/2018)
09/19/2018	<u>49</u>	Joint STATUS REPORT by CENTER FOR FOOD SAFETY. (Smith, Kellan) (Entered: 09/19/2018)
01/17/2019	<u>50</u>	Unopposed MOTION to Stay (<i>Defendant's Unopposed Motion to Stay Proceedings in Light of Lapse of Appropriations</i>) by FOOD & DRUG ADMINISTRATION (Attachments: # <u>1</u> Text of Proposed Order)(Braswell, Marina) (Entered: 01/17/2019)
01/17/2019		MINUTE ORDER: Upon consideration of Defendant's motion to stay, Dkt. <u>50</u> , it is hereby ORDERED that the motion is GRANTED. Within 14 days of Congress appropriating funds for the Department of Justice, the parties shall submit a joint status report. Signed by Judge Randolph D. Moss on 1/17/2018. (lcrdm1,) (Entered: 01/17/2019)
02/07/2019	<u>51</u>	Joint STATUS REPORT by CENTER FOR FOOD SAFETY. (Smith, Kellan) (Entered: 02/07/2019)
02/08/2019		MINUTE ORDER: Upon consideration of the parties' joint status report, Dkt. <u>51</u> , it is hereby ORDERED that the parties shall file a further joint status report on March 1, 2019, and that the stay currently in place will continue until February 28, 2019. Signed by Judge Randolph D. Moss on 2/8/2019. (lcrdm1,) (Entered: 02/08/2019)
02/08/2019		Set/Reset Deadlines: Joint Status Report due by 3/1/2019. (kt) (Entered: 02/08/2019)